

[[62.

The words "torture," "torment," and "cruelty" mean every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted, and the word "animal" [mean] MEANS every living creature except man.

"OFFICER OF A HUMANE SOCIETY" OR "OFFICER OF A SOCIETY OR ASSOCIATION INCORPORATED FOR THE PREVENTION OF CRUELTY TO ANIMALS" MEANS ANY AGENT OF THE SOCIETY OR CORPORATION. ]]

67.

If the owner or custodian of an animal is convicted of any act of animal cruelty, the judge may use his own discretion in ordering the removal of that animal or animals for their protection at the time of conviction. Whenever it becomes necessary, in order to protect any animal from neglect or cruelty, any officer OR AUTHORIZED AGENT of an animal humane society or any police officer or other public officials charged with the protection of animals may take possession of it. If an animal is impounded, yarded or confined and continues without necessary food, water or proper attention, or is cruelly treated or neglected, any officer OR AUTHORIZED AGENT of an animal humane society or any police officer or other public officials charged with the protection of animals may enter into and upon any place in which the animal is impounded, yarded or confined and supply it with necessary food, water and attention so long as it there remains, or, if necessary, for the health of the animal, may remove the animal, and not be liable to any action for that entry. In all cases the owner or custodian of that animal shall be notified of that action and any administrative remedies which may be available by the person taking possession of the animal. The owner or custodian may file within ten days, if no administrative remedy is available, a petition for return of the animal in the District Court of the county in which the removal occurred. If the owner or custodian is notified and fails to file the petition within the time prescribed, or if the owner or custodian is unknown and cannot with reasonable effort be ascertained for a period of 20 days, the animal shall be held to be an estray and be dealt with as such, provided, however, that nothing in this section shall be construed as permitting the entry into a private dwelling or as permitting the taking of a farm animal without prior recommendation of a licensed veterinarian.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.

Approved May 17, 1976.